

BORRELLI & ASSOCIATES

P.L.L.C.

www.employmentlawyernewyork.com

655 Third Avenue
Suite 1821
New York, NY 10017
Tel. No. 212.679.5000
Fax No. 212.679.5005

910 Franklin Avenue
Suite 200
Garden City, NY 11530
Tel. No. 516.248.5550
Fax No. 516.248.6027

October 23, 2020

Via ECF

The Honorable Steven Tiscione
United States Magistrate Judge for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Nolan v. City of New York et al., Case No. 19-cv-00187-RPK-ST

Dear Judge Tiscione:

As Your Honor is aware, this office represents Plaintiff William R. Nolan in the above-referenced action brought against Defendants, the City of New York and various individuals, for alleged violations of Plaintiff's First, Second, and Fourth Amendment rights under the Constitution of the United States, via-a-vis the Fourteenth Amendment and 42 U.S.C. § 1983. Pursuant to the Court's Minute Order dated October 7, 2020, we write now -- with Defendants' consent -- to update the Court on the status of proceedings.

Since the parties' last status report dated August 3, 2020 (ECF 31), Plaintiff's criminal prosecution stemming from his arrest on December 20, 2018, and his January 14, 2020 arrest, remains ongoing. Plaintiff's counsel in the criminal prosecution has informed the undersigned that the Richmond County District Attorney has filed an affidavit consenting to the dismissal of all felony charges pending against Plaintiff, which once dismissed, will leave the misdemeanor charges remaining. As such, Plaintiff is currently awaiting the criminal court's order dismissing those felony charges. The next appearance date in Plaintiff's criminal matter is November 19, 2020. *See People v. Nolan*, Ind. Nos. 00623/2018, 00225C/2020 (Crim. Ct., Richmond Cty).

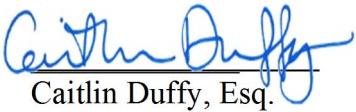
Pursuant to the Court's August 12, 2020 order partially lifting the stay, Plaintiff served a subpoena on the Fraternal Order of Police and a FOIL request on the New York Department of Motor Vehicles and are awaiting a response. Plaintiff continues to vehemently oppose the stay and what he believes -- based on his experience -- the continued retaliatory acts taken by the

NYPD, and intends to renew his motion to lift the stay after the November 19, 2020 court appearance date in his criminal proceedings, if not before. Indeed, as previously explained, the stay is grossly contrary to Federal Rule of Civil Procedure 1, which provides for the speedy administration of every action. He also, at the appropriate time, intends to amend his Complaint to assert additional constitutional claims flowing from his January 2020 arrest.

Defendant City of New York requests that the stay remain in effect pending resolution of Plaintiff's criminal prosecution.

We thank the Court for its attention to this matter.

Respectfully submitted,


Caitlin Duffy, Esq.
For the Firm

To: All counsel of record (*via ECF*)